

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Winston-Salem Division

IN RE:

Robert Wayne Whipkey a/w  
Cheryl Ives Whipkey,

Case No. B 12-51178 C-7W

Debtor(s).

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**MOTION TO VACATE ORDER FILED AUGUST 16, 2013  
ON TRUSTEE'S OBJECTION TO CLAIMS**

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TO: Catharine R. Aron  
UNITED STATES BANKRUPTCY JUDGE

Now comes Edwin H. Ferguson, Jr., Trustee in Bankruptcy for Robert Wayne Whipkey a/w Cheryl Ives Whipkey Debtor, who respectfully moves the Court to issue an Order to Vacate a proposed Order filed on August 16, 2013 on Trustee's Objections to Claim Number 4, 6, 10 & 14.

Respectfully submitted August 19, 2013.

/s/ Edwin H. Ferguson, Jr.

Edwin H. Ferguson, Jr.  
Ferguson, Scarbrough, Hayes, Hawkins, & DeMay, PA  
ATTORNEY FOR TRUSTEE  
65 McCachern Blvd., SE  
P.O. Box 444  
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Telephone: (704) 788-3211  
State Bar No. 6148

## CERTIFICATE OF SERVICE

I, Edwin H. Ferguson, Jr., attorney for Trustee do hereby certify that I served a copy of the foregoing MOTION TO VACATE PROPOSED ORDER FILED AUGUST 16, 2013 by electronic service only upon:

William P. Miller  
U.S. Bankruptcy Court Administrator  
Federal Law Center  
101 South Edgeworth Street  
Greensboro, NC 27402

And upon the following by depositing a copy of the aforesaid document in an envelope in the exclusive care and custody of the U.S. Postal Service with sufficient postage thereon addressed to them at the aforesaid address.

Edwin H. Ferguson, Jr.  
Trustee in Bankruptcy  
P.O. Box 444  
Concord, NC 28026-0444

Capital One, NA  
c/o Bass & Associates, PC  
3936 E. Ft. Lowell Road, Suite 200  
Tucson, AZ 85712

American InfoSource LP, as agent for  
Capital One Bank USA, NA  
PO Box 71083  
Charlotte, NC 28272-1083

The Bank of New York Mellon, et al c/o  
Prober & Raphael, A Law Corporation  
PO Box 4365  
Woodland Hills, CA 91365-4365

Respectfully submitted August 19, 2013.

/s/ Edwin H. Ferguson, Jr.

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